UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/652
S/1998/1050
10 November 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 39 and 40
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-third year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 52/52 of 9 December 1997 on the peaceful settlement of the question of Palestine.

2. On 25 August 1998, the Secretary-General, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 52/52, which the General Assembly adopted on 9 December 1997, at its fifty-second session, under the agenda item 'Question of Palestine'.
>
> "In paragraph 9 of the resolution, the General Assembly 'requests the Secretary-General to continue his efforts with the parties concerned and, in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 September 1998."

3. On 22 September 1998, the following reply was received from the Security Council:

> "The Security Council remains gravely concerned about developments in the occupied territories and the region.
>
> "Recalling the statement by the President of the Council of 13 July 1998 (S/PRST/1998/21), the Security Council continues to be determined to keep developments under review, and to provide the needed

backing to the Middle East peace process, giving full support to the agreements achieved as well as to the timely implementation of those agreements.

"The Council calls upon the concerned parties to pursue the negotiations and to fulfil their obligations under the agreements achieved, so that progress can be made towards a just, lasting and comprehensive peace based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973."

4. In a note verbale dated 31 August 1998 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As of 30 October 1998, the following reply had been received:

Note verbale dated 9 October 1998 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 52/52 is the main political resolution on the Palestinian issue, and it was adopted by an overwhelming majority (155-2-3), a reflection of the strong convictions of the international community with regard to the content of the resolution. As stated in the note verbale dated 13 October 1997 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (see A/52/581-S/1997/866, para. 4), the resolution recalls several principles of international law and the Charter of the United Nations, provides support for the peace process and implementation of the agreements reached and also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict. The resolution emphasizes as well the importance of a more active and expanded role for the United Nations in this process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In operative paragraph 2 of resolution 52/52, the General Assembly once again 'expresses its full support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East'. In operative paragraph 3, the Assembly 'stresses the necessity for commitment to the principle of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973), which form the basis of the Middle East peace process, and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of the Israeli forces from the West Bank and the commencement of the negotiations on the final settlement.'

"Since the adoption of resolution 52/52, the deadlock in the Middle East peace process has continued. No progress has been made with regard to the implementation of the agreements reached; the situation on the ground, including the economic and living conditions of the Palestinian people, has continued to deteriorate; and tension has increased in the region as a whole, all as a result of the policies and practices of the Israeli Government. It is noteworthy that several letters of complaint regarding those policies and practices were sent by the Permanent Observer of Palestine to the United Nations during the past year to the Secretary-General, the President of Security Council and the President of the General Assembly.

"In fact, the Israeli Government, since taking office, has adopted guidelines contradicting the letter and spirit of the agreements reached, made it clear that the timetable agreed upon would not be respected, resumed colonial settlement activities in the occupied territory and opened a tunnel in the vicinity of Al-Aqsa Mosque in Occupied East Jerusalem. The Israeli Government did not close that tunnel, in flagrant violation of Security Council resolution 1073 (1996) of 28 September 1996, and has continued with, and even intensified, its colonial settlement activities, including the building of a new settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem, and attempted to build a settlement in Ras al-Amud. From the above, it is clear that the Government has continued its drive to Judaize Jerusalem and to change its status and demographic composition. In this regard, the Israeli Government recently announced the creation of an 'umbrella municipality' which would expand the borders of Jerusalem and extend the administrative powers of the illegal municipality over nearby towns in Israel, as well as over some Jewish settlements in the occupied West Bank.

"In the eighth preambular paragraph of resolution 52/52, the General Assembly affirmed 'the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem'. Furthermore, the Assembly, in operative paragraphs 5 and 6 of the same resolution, stressed the need for 'the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination', and 'the withdrawal of Israel from the Palestinian territory occupied since 1967', and also stressed the need for 'resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948'.

"The Palestinian side believes that the eighth preambular paragraph and operative paragraphs 5 and 6 of General Assembly resolution 52/52 are of great importance, as they reflect established positions of the international community consistent with international law. The Palestinian side believes that the international community, represented by the Assembly, should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), including Jerusalem, settlements and

refugees. It should be affirmed that illegal Israeli actions in these fields and their results remain illegal regardless of the passage of time.

"Operative paragraph 8 of the same resolution, 'emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles'. The Palestinian side welcomes the progress made in this regard, especially in the fields of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations, as well as international, assistance to the Palestinian people. It welcomes as well the work done by the Commissioner-General and the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), including the work of UNRWA's headquarters in Gaza City. It affirms the significance of UNRWA in other fields of operation outside of the Occupied Palestinian Territory as well as the continuation of all field offices, including the field office in Jerusalem.

"The Palestinian side hopes that the United Nations will contribute to the efforts being undertaken to salvage the peace process and to bring it back on track. The involvement of the Security Council would also be a very important factor in the interest of the peace process. Indeed, the Council has contributed to the salvaging of the peace process by responding to some serious events in the Occupied Palestinian Territory, including Jerusalem, by adopting resolution 1073 (1996) of 28 September 1996 and before that by adopting resolution 904 (1994) of 18 March 1994 on the Al-Khalil (Hebron) massacre in the Al-Ibrahimi Mosque. After the adoption of General Assembly resolution 52/52, on 30 June 1998, the President of the Council made a statement on behalf of the Council (S/PRST/1998/21) on the situation in the occupied Arab territories.

"It is to be recalled that, unfortunately, the Council was twice prevented from playing the same positive role and from discharging its responsibilities for the maintenance of peace and security, as a result of the two vetoes exercised by the United States of America on 7 and 21 March 1997 on two draft resolutions dealing with the illegal Israeli settlement in Jabal Abu Ghneim. The two vetoes led to the convening of the tenth emergency special session of the General Assembly to discuss illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. The emergency special session produced extremely important resolutions, including Assembly resolution ES-10/5 of 17 March 1998, which will be subject to further serious follow-up by the session, including by the convening of a conference of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and the rest of the Arab territories occupied since 1967.

"The Palestinian side reiterates the expression of its appreciation to the Secretary-General for his substantial and accurate report presented pursuant to General Assembly resolution ES-10/2 of 25 April 1997 and, as it

has done in previous years, would like to underscore the request made by the Assembly in resolution 52/52 for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in that regard. It is worth noting that during the past year, the Secretary-General visited the Occupied Palestinian Territory and the region, where he had a first-hand opportunity to experience the extremely difficult conditions of the Palestinian people.

"Finally, the Palestinian side believes that for the peaceful settlement of the question of Palestine to be achieved through the current Middle East peace process, it is necessary to respect the mutual recognition between the two sides and the basis upon which the process was initiated, namely, the principle of the return of land for peace and the implementation of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973. It is equally important for the parties to comply with the agreements reached and to implement those agreements in good faith and without delay. Furthermore, all actions that violate international law, relevant Security Council resolutions and those agreements must cease completely. The international community, especially the co-sponsors of the peace process, has a great responsibility in this regard.

"It should also be recalled that under the same agenda item, Question of Palestine, the General Assembly, at its fifty-second session, adopted resolution 52/250 of 7 July 1998, entitled 'Participation of Palestine in the work of the United Nations'. In this regard, the legal, political and practical significance of that resolution is emphasized."

OBSERVATIONS

5. The signing of the Wye River memorandum by the Government of Israel and the Palestinian Liberation Organization is a promising development. This agreement complements and adds details to the accords that the parties concluded in the past and, more importantly, paves the way to permanent status negotiations. I would like to take this opportunity to commend the dedication, courage and tireless efforts of all participants in the Wye Plantation meetings.

6. It is to be hoped that the Wye agreement will bring to an end the delays and unilateral actions that have hampered progress in the Middle East peace process for far too long. The primary obligations of the Palestinians and Israelis are clear: respectively, to take all legal measures to combat violence and terrorism, and to carry out, on time, further redeployments in the West Bank as laid down in the agreement. It is imperative that the good will demonstrated at Wye Plantation be translated into scrupulous implementation of the commitments made by both sides, thereby rebuilding confidence and raising new hope for peace, stability and security for all in the region.

7. That the Wye agreement offers economic opportunities for the Palestinian people is also to be welcomed. Such opportunities are essential if peace in the Middle East is to prosper. The United Nations system will continue to support

progress in the Israeli-Palestinian talks and to provide economic, social and other assistance to the occupied territories.

8. It is to be hoped that advances in the Israeli-Palestinian negotiations will create favourable momentum for the resumption of the Israel-Syrian Arab Republic and Israel-Lebanon talks. This will be essential for the settlement of the Arab-Israeli conflict on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) of 19 March 1978.